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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
08 FEB -6 PM 3:44

UNITED STATES OF AMERICA, Plaintiff, v. **Rita Antonia MADRIGAL,** Defendant(s)	Magistrate Case No. '08 MJ 0344 COMPLAINT FOR VIOLATION OF: Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii) Transportation of Illegal Aliens

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **February 4, 2008,** within the Southern District of California, defendant **Rita Antonia MADRIGAL** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Juan Jesus MARTINEZ-Gomez, Zenon Juan VENEGAS-Venegas,** and **Antony Jake VASQUEZ-Tirado** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **6th** DAY OF **February, 2008**

Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
Rita Antonia MADRIGAL

PROBABLE CAUSE STATEMENT

The complainant states that, **Juan Jesus MARTINEZ-Gomez, Zenon Juan VENEGAS-Venegas,** and **Antony Jake VASQUEZ-Tirado** , are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On February 4, 2008, Supervisory Border Patrol Agent S. Lowe was conducting roving patrol activities in Pine Valley, California. Agent Lowe was stationary at the intersection of Old Highway 80 and Buckman Springs Road. At approximately 9:00 p.m., Border Patrol agents assigned to the El Cajon Station reported that a black Chevrolet had failed to yield to agent's emergency lights and sirens and that they had terminated the pursuit of the vehicle due to unsafe conditions. The black Chevrolet was last seen speeding north on Buckman Springs Road from Campo, California, twelve miles south of Agent Lowe's location. Agent Lowe was observing traffic as it passed under street lighting and had the lights of his marked Border Patrol Vehicle positioned to illuminate drivers of vehicles. At approximately 9:30 p.m., Agent Lowe observed a black GMC 4-door Denali, immediately followed by a black Nissan 4-door sedan pass his location and turn east onto Interstate 8. Agent Lowe observed that the black GMC Denali was heavily laden, as evidenced by the sluggish return of the vehicle suspension and the rear tires were bulging as if under a heavier than normal load. The GMC Denali was driven by a female with two additional passengers visible. Agent Lowe decided to follow the vehicle for further evaluation.

Agent Lowe then broadcasted his observations as he pulled in behind the vehicle traveling eastbound on Interstate 8. Border Patrol Agent D. Wilchek joined Agent Lowe in following the GMC. Agent Lowe requested a registration and stolen vehicle check on the GMC from the dispatch center. The vehicle was registered out of Santa Ana, California and it had been reported stolen on February 4, 2008. Agent Lowe continued following the vehicle, maintaining a discreet distance as other agents responded to assist with a traffic stop. As Agent Lowe followed the vehicle, the driver of the GMC Denali exited Interstate 8 at Ribbonwood Road and executed a U-turn, re-entering Interstate 8 traveling westbound. Agent Lowe observed the same black Nissan 4-door sedan traveling in tandem with the GMC Denali. According to the agents, the Nissan was clearly trying to shield the GMC Denali from the Border Patrol vehicle. The Nissan exited at Kitchen Creek Road and was not subsequently located.

Border Patrol Agent C. Sadberry who was located at the Interstate 8 Border Patrol Checkpoint near Pine Valley, California was in position at the checkpoint to deploy a Controlled Tire Deflation Device (CTDD) if necessary. Agent Lowe believed the GMC Denali contained illegal aliens and initiated a traffic stop of the vehicle for the purpose of conducting an immigration inspection of the occupants. Agent Lowe was operating a marked Border Patrol vehicle and activated the emergency lights and siren while driving directly behind the GMC Denali as they passed Buckman Springs Road. The driver of the GMC Denali accelerated away from Agent Lowe. Agent F. Ramirez Jr. was driving directly to the left of Agent Lowe and activated the emergency lights and siren on his marked Border Patrol vehicle also.

Agent Lowe advised Agent Sadberry that the GMC Denali had failed to yield and Agent Sadberry deployed a CTDD across both lanes of the westbound Interstate. The GMC Denali drove across the CTDD, successfully deflating the front two tires of the vehicle. The GMC Denali continued traveling for approximately one half mile and came to a complete stop on the right side of the road. Agent Lowe observed the driver of the GMC Denali exit the driver side door and run into the near by brush.

CONTINUATION OF COMPLAINT:
Rita Antonia MADRIGAL

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Agent Ramirez pursued the driver and caught her approximately 30 yards north of the vehicle. One other person fled the vehicle and was subsequently apprehended approximately 25 yards north of the vehicle. Agent Lowe approached the stationary GMC Denali and immediately observed that there was a large group of people seated in the rear passenger and cargo compartments of the vehicle. Agent Lowe identified himself to the group and questioned them as to their immigration status. All of them freely admitted to being citizens and nationals of Mexico illegally present in the United States. The driver, later identified as the defendant **Rita Antonia MADRIGAL**, was determined to be a United States citizen. A total of the fourteen smuggled aliens, including the defendant, were transported to the Campo Border Patrol Station for processing.

DEFENDANT STATEMENT: Rita Antonia MADRIGAL

The defendant was read the Miranda rights and was willing to answer questions without the presence of an attorney. The defendant stated that she is a citizen of the United States, born in Los Angeles, California. The defendant claimed that her brother asked her to drive a load of illegal aliens. The defendant said that her brother and another man were primarily involved in smuggling the aliens. The defendant stated that she was driven by her brother to the Campo, California area and dropped off at a store with a gas station where a black GMC Denali was parked. She was told by her brother to drive the vehicle and follow him to Perris, California. The defendant claimed she did not know who the vehicle belonged to, and did not know the vehicle was reported stolen.

MATERIAL WITNESSES STATEMENTS:

Material witnesses **Juan Jesus MARTINEZ-Gomez, Zenon Juan VENEGAS-Venegas and Anthony Jake VASQUEZ-Tirado** admitted in summary statements that they are citizens and national of Mexico illegally present in the United States. The material witnesses stated that they were to pay between $1800.00 and $2000.00 (U.S.) to be smuggled into the United States. Material witnesses stated that they illegally entered the United States by crossing under the international border fence with the aid of an alien smuggler/foot guide. They walked for approximately two hours until they reached a point on a highway where they were told to wait for a vehicle. The material witnesses stated that a dark vehicle arrived soon after and transported them